

Notice of Allowability

Application No.

08/484,786

Examiner

Jehanne Souaya Sitton

Applicant(s)

MACH ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final response of 4/09/2004.
2. ☒ The allowed claim(s) is/are 103-107.
3. ☒ The drawings filed on 07 June 1995 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shawn-Marie Mayrand on April 19, 2004.

The application has been amended as follows:

Claim 103. (Amended) An HLA-DR typing kit comprising a DNA sequence selected from the group consisting of:

(a) the HLA-DR- β region I nucleic acid sequence which encodes for amino acids LELLKSE of the HLA-DR locus;

(b) the HLA-DR- β region I nucleic acid sequence which encodes for amino acids LEQVKHE of the HLA-DR locus;

(c) the HLA-DR- β region II nucleic acid sequence which encodes for amino acids FLERHFH of the HLA-DR locus;

(d) the HLA-DR- β region II nucleic acid sequence which encodes for amino acids FLDRYFY of the HLA-DR locus;

(e) the HLA-DR- β region III nucleic acid sequence which encodes for amino acids RGQVDNY of the HLA-DR locus;

(f) the HLA-DR- β region III nucleic acid sequence which encodes for amino acids RAAVDTY of the HLA-DR locus;

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(g) DNA sequences which are fully complementary to any of the foregoing DNA sequences.

Claim 105. (Amended) An HLA-DR typing process comprising the steps of:

(a) hybridizing DNA in a sample to be tested to a DNA sequence selected from the group consisting of:

(i) the HLA-DR- β region I nucleic acid sequence which encodes for amino acids LELLKSE of the HLA-DR locus;

(ii) the HLA-DR- β region I nucleic acid sequence which encodes for amino acids LEQVKHE of the HLA-DR locus;

(iii) the HLA-DR- β region II nucleic acid sequence which encodes for amino acids FLERHFH of the HLA-DR locus;

(iv) the HLA-DR- β region II nucleic acid sequence which encodes for amino acids FLDRYFY of the HLA-DR locus;

(v) the HLA-DR- β region III nucleic acid sequence which encodes for amino acids RGQVDNY of the HLA-DR locus;

(vi) the HLA-DR- β region III nucleic acid sequence which encodes for amino acids RAAVDTY of the HLA-DR locus;

(vii) DNA sequences which are fully complementary to any of the foregoing DNA sequences, and

(b) detecting the hybridization between said sample DNA and said DNA sequence.

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REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The claims are drawn to kits comprising and methods of using DNA sequences which encode region I or II or III peptides of the HLA-DR- β locus for HLA-DR typing. The region I peptides are: LELLKSE and LEQVKHE. The region II peptides are FLERHFH and FLDRYFY. The region III peptides are RGQVDNY and RAAVDTY. Figure 9, page 7, lines 32-37, and page 32, lines 1-11 of the specification set forth regions I, II, and III of HLA-DR- β . Figure 9 sets forth nucleic acid sequences encoding these regions, respectively. The claims are allowable over the prior art because the prior art does not teach or suggest any of the peptides set forth in the claims or nucleic acid sequences encoding them and the use of such in HLA-DR typing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jehanne Sitton whose telephone number is (571) 272-0752. The examiner can normally be reached Monday-Thursday from 8:00 AM to 5:00 PM and on alternate Fridays.

Note: The examiner's name has changed from Jehanne Souaya to Jehanne Sitton. All future correspondence to the examiner should reflect the change in name.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (571) 272-0745. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature should be directed to the Group receptionist whose telephone number is (571) 272-0507.



Jehanne Sitton
Primary Examiner
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4/19/04